

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff)	
)	
v.)	Case No. 3:22-CV-00200
)	Chief Judge Crenshaw
\$58,240 UNITED STATES CURRENCY,)	
)	
Defendant.)	

ORDER

The United States of America has moved for entry of a default judgment and final order of forfeiture of \$58,240 United States currency (“Defendant Property”). (ECF No. 15: Motion.) Based upon the pleadings, the motion, and the record herein, the Court finds, as follows:

On March 22, 2022, the United States of America filed a Verified Complaint *In Rem* seeking forfeiture of the Defendant Property alleging that the Defendant Property is monies furnished or intended to be furnished by anyone in exchange for a controlled substance or listed chemical, or proceeds traceable to such an exchange, or any monies used or intended to be used to facilitate any violation of 21 U.S.C. §§ 801 *et seq.*, including 21 U.S.C. § 841 and 21 U.S.C. § 846. The United States alleges that the Defendant Property is, therefore, forfeitable pursuant to 21 U.S.C. § 881(a)(6).

On March 24, 2022, a copy of the Verified Complaint *In Rem*, Declaration and Notice of Judicial Forfeiture were duly served upon Alberto Gutierrez (“Mr. Gutierrez”) by first-class and certified mail.

Public notice to all persons of said forfeiture action was also advertised on-line at “www.forfeiture.gov,” the official internet government forfeiture site, for 30 consecutive days beginning on March 26, 2022 and ending on April 24, 2022.

The time for filing a claim pursuant to Rule G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Federal Rules of Civil Procedure has expired, and no person or entity has filed a claim or answer or otherwise made an appearance in this action.

On December 27, 2022, the Clerk of this Court entered a default as to Mr. Gutierrez and all persons and entities who may claim to have an interest in Defendant Property.

The government has established the requisite nexus between the Defendant Property and the offenses alleged in the Verified Complaint *In Rem* and that the Defendant Property is forfeitable, pursuant to 21 U.S.C. § 881(a)(6).

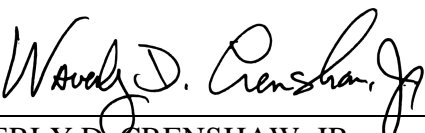
Therefore, a Judgment by Default is hereby entered as to Mr. Gutierrez and all other persons or entities with respect to any interest they may have in the Defendant Property.

The Defendant Property is hereby forfeited to the United States of America, and all right, title and interest in and to said Defendant Property is hereby vested in the United States of America, pursuant to 21 U.S.C. § 881(a)(6).

The United States Marshals Service, as custodian of said Defendant Property, shall take custody of the Defendant Property and dispose of the same according to law.

The Clerk of this Court shall provide the United States Attorney’s Office and the United States Marshals Service with a certified copy of this order.

IT IS SO ORDERED.



WAVERLY D. CRENSHAW, JR.
Chief United States District Judge